

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT GRAYER and BRIAN MORTON, on behalf of themselves and all others similarly situated,) CASE NO.: 1:16-cv-1382
) JUDGE CHRISTOPHER BOYKO
)
Plaintiffs,) MAGISTRATE JUDGE PARKER
)
vs.)
KENNAMETAL INC.) <u>STIPULATION REGARDING</u>
) <u>PARAMETERS FOR</u>
) <u>COURT-SUPERVISED NOTICE</u>
Defendant.) <u>WITH PROPOSED ORDER</u>

The parties have stipulated to the scope of Court-facilitated notice regarding Plaintiffs' Fair Labor Standards Act (FLSA) claim, and have submitted proposed language for notice and consent forms to be sent to potential plaintiffs of their opportunity to opt in to this litigation. *See* Exhibit A ("Joint Notice and Consent Forms"). The parties have agreed that, in lieu of the Court itself or a Third Party Administrator, undersigned counsel for Plaintiffs will send Court-facilitated notice under the following stipulated parameters, subject to the Court's approval:

1. Within seven days of entry of the Order approving this Stipulation, Defendant's counsel will provide Plaintiffs' counsel an electronic database, which is and shall remain password-protected, containing the names, last known home mailing addresses, last known home telephone numbers (where known), last known email addresses (where known), and dates of employment of all individuals to receive notice. Plaintiffs' counsel expressly agrees that the database shall be kept confidential; shall not be distributed to Plaintiffs or to any individual who is not a representative, employee or agent of Plaintiffs' counsel; shall not be used for any purpose other than the Notice Program outlined in this Stipulation; and shall be permanently

deleted from all electronic networks in the custody or control of Plaintiffs' counsel 60 days after expiration of the 30-day Notice period, with Plaintiffs' counsel to provide Defendant's counsel with written confirmation of same within three business days thereafter.

2. Plaintiffs' counsel will update the addresses provided by Defendant's counsel through the national change of address database.

3. On or about October 5, 2016, Plaintiffs' counsel plans to mail the notice and consent forms (subject to Court approval) by First-Class U.S. Mail and Email to the notice recipients. Plaintiffs' counsel will pay the costs to mail the notice, and will seek reimbursement upon a favorable resolution of this case. Plaintiffs' counsel will mail the notice and consent form in a plain No. 10 envelope with the following return address:

Kennametal Inc. Overtime Litigation
c/o The Lazzaro Law Firm, LLC
920 Rockefeller Building
614 W. Superior Avenue
Cleveland, Ohio 44113

The following text will appear on the lower right corner of the envelope:

**Important Notice Regarding
Your Right to Join a Collective Action**

Other than recipient's address, the return address, and the text above, the envelope will not contain other text. Within the envelope will only be the Court-approved notice, consent form, and a postage-paid, self-addressed return envelope.

4. On the next business day after notice has been issued, Plaintiffs' counsel will so inform Defendant's counsel.

5. Plaintiffs' counsel will mail and email (if available) the notice one time to each recipient unless any notices are returned as undeliverable, or updated addresses are obtained for any recipients, or if a recipient contacts Plaintiffs' counsel and requests delivery by other

means. If any notices are returned as undeliverable, Plaintiffs' counsel will mail the notices to any forwarding addresses they obtain, call the recipients to get updated addresses, and/or email the notices using email addresses subsequently provided by Defendant's counsel.

6. As stated on the jointly proposed notice, recipients have until November 4, 2016 to mail, email, or fax the consent forms to Plaintiffs' counsel.

7. Plaintiffs' counsel will file returned consent forms on the day received at their office, or on Monday if returned on a weekend.

8. If any consent forms are returned late, Plaintiffs' counsel will file the consent forms and confer with Defendant's counsel regarding whether the untimely consent filers can participate in this case. If Defendant will not so agree, Plaintiffs' counsel will withdraw the late consent forms and advise the untimely consent filers regarding their legal options.

WHEREFORE, the parties respectfully request that the Court approve their proposed notice and consent forms, and this stipulation, by entering the attached proposed Order.

Respectfully submitted,

/s/ Chastity L. Christy
Chastity L. Christy (0076977)
Anthony J. Lazzaro (0077962)
Lori M. Griffin (0085241)
The Lazzaro Law Firm, LLC
920 Rockefeller Building
614 W. Superior Avenue
Cleveland, Ohio 44113
Phone: 216-696-5000
Facsimile: 216-696-7005
anthony@lazzarolawfirm.com
chastity@lazzarolawfirm.com
lori@lazzarolawfirm.com

Richard Bush (0020899)
Green Haines Sgambati Co., L.P.A.
City Center One Building, Suite 800
100 Federal Plaza East
P.O. Box 849
Youngstown, Ohio 44501-0849
Phone: 330-743-5101
rbush@green-haines.com

Attorneys for Plaintiffs

/s/ James F. Glunt
James F. Glunt (*Admitted Pro Hac Vice*)
Jennifer G. Betts (*Admitted Pro Hac Vice*)
Ashley R. Hileman (*Admitted Pro Hac Vice*)
Ogletree Deakins
One PPG Place, Suite 1900
Pittsburgh, PA 15222
Phone: 412-394-333
Facsimile: 412-232-1799
james.glunt@ogletreedeakins.com
jenniferbetts@ogletreedeakins.com
ashley.hileman@ogletreedeakins.com

Rebecca J. Bennett (0069566)
Ogletree Deakins
Key Tower
127 Public Square, Suite 4100
Cleveland, OH 44114
Phone: 216-241-6100
Facsimile: 216-357-4733
rebecca.bennett@ogletreedeakins.com

Attorney for Defendant

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NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT GRAYER and BRIAN MORTON, on behalf of themselves and all others similarly situated,)	CASE NO.: 1:16-cv-1382
)	JUDGE CHRISTOPHER BOYKO
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Plaintiffs,)	MAGISTRATE JUDGE PARKER
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vs.)	
)	<u>[PROPOSED] ORDER OF COURT</u>
KENNAMETAL INC.)	
)	
Defendant.)	

The parties have jointly proposed the notice and consent forms to be used for Court-facilitated notice regarding this conditionally certified FLSA collective action. The parties have also stipulated to the parameters for Court-supervised notice. Having reviewed their proposal and stipulation, the Court orders as follows:

1. The Court approves the parties' proposed notice and consent form.
2. The Court approves the parties' stipulation for the parameters for Court-supervised notice, filed in this action at Doc. ___, and incorporated here by reference.

SO ORDERED THIS ____ DAY OF ____ , 2016

United States District Judge Christopher Boyko